

Appl. No. 10/089,717
Amdt. dated August 13, 2003
Reply to Office action of March 13, 2003

Remarks/Arguments:

This paper is submitted responsive to the Official Action mailed March 13, 2003 and having a shortened statutory period for response set to expire on June 13, 2003, said period having been extended in accordance with the accompanying request for extension of time so as to expire on August 13, 2003. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner requested several corrections to the specification and these corrections have been made. No new matter has been introduced.

The Examiner had objected to the claims due to informalities, and these have been corrected as requested by the Examiner.

The Examiner had also rejected claims 6 and 7 under 35 USC 112, second paragraph, due to antecedent basis issues, and these have been addressed by the present amendment.

Turning to the art rejection, the Examiner has rejected 1-6 and 8-9 as anticipated by US Patent No. 1,526,336 to Hart, and had also rejected claims 1 and 10-12 as anticipated by DE 2918532 to Jendrewski.

The Examiner also indicated that claim 7 contained allowable subject matter. By the instant amendment, the broad subject matter of dependent claim 7 has been incorporated into independent claim 1 and it is respectfully submitted that this amendment renders all claims allowable over the art of record.

The present invention is conceived primarily for use as a light pole, and is particularly suited for mining and mineral processing environments where access to a light bulb by means of a ladder is not possible. In this situation it is necessary to lower the light in order to change the bulb.

As described on page 1 of the specification, the invention seeks to provide a safe way in

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which this can be achieved.

The invention achieves its aim of safe access to a light bulb primarily by the swivelling action of an outer elongate portion (14) relative to an inner elongate portion (12) as described on page 5 lines 18 to 26.

It will be appreciated that, in order for the swivelling action to take place safely, the two elongate portions must be held relative to one another during swivelling. If this were not the case, the outer portion would simply fall away when bolts connecting it to the inner portion were removed.

The present invention achieves this by providing an interconnecting means (the plate members 18, 20 and 22) which can be loosened without being removed, in order to allow rotation.

It will also be appreciated that an important feature of the present invention is the ability to lock the elongate portions 12, 14 in a relative position in order to prevent rotation during normal operation of the light pole. The invention describes two mechanisms which both act to lock the light pole into position. The first of these is the clamping action of the bolts 36 on the plate members 18, 20 and 22, and the second is the use of the pin 38.

In order to better define the claimed invention, Claim 1 has been amended so as to include subject matter from claim 7 which clearly distinguishes over the prior art of record. The examiner's indication regarding the subject matter of Claim 7 being allowable is appreciated. Claim 1 has been amended to include the key features of Claim 7, without limiting the scope of the claim to the specific embodiment claimed of Claim 7.

Consequently, claim 1 of the application has been amended to include within its scope the three member relationship previously defined in Claim 7. This arrangement achieves the result that the inner and outer elongate portions 12, 14 can be moved between a state wherein their

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relative orientation is fixed, and a state wherein they can rotate relative to each other without separating. The result is achieved by providing an interconnecting means which holds the third member 22 in engagement with the first and second members 18, 20 in the first state, and which can be loosened so that the third member 22 becomes partially disengaged in the second state. In the particular embodiment shown in the drawings, when in the second state the third member 22 remains engaged with the first member 18 by means of the bolts 36 connecting the two, but is no longer clamped into a fully engaged position. This loosening allows the relative rotation of the inner and outer elongate portions 12, 14, while preventing the dislocation of the inner and outer elongate portions 12, 14.

US Patent Number 1,526,336 (Hart) describes a pipe connection, particularly for use within a spoil pipe line. The pipe connection described allows a user to join together fixed pipe ends which are displaced by a distance. It seems that the pipe connection operates by having two portions, each of which can separately be connected to a fixed pipe end relatively easily, the two portions then being connected at a flange connection which is angled at 45°. There is no suggestion of any rotation of the two pipe portions about the flange connection.

In particular, there is no disclosure of an interconnecting means which prevents disconnection of the two portions during rotation, and no disclosure of a third member which can be partially disengaged to allow rotation to occur. The interconnecting means of Hart is, as discussed by the examiner, the flanges 2 and bolts 3. The nature of a bolted flange connection is that the bolts, when loosened, allow the pipe sections to move by a small degree along the line of the bolts, but prevent any relative rotation of the pipe sections. In order for the rotation described by the examiner to occur, the bolts must be completely removed. When the bolts are removed there is then no means for holding the two flanges in an adjacent position.

The pipe connection of Hart relies on this feature in order to operate, with the ends of the pipes being placed into a final position before the fixed flanges are brought together. An

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interconnecting means as described in the present invention could not be used within the Hart pipe connection, as it would prima facie prevent the pipe connection from being fixed into position. Similarly, the pipe connection of Hart could not be used in place of the present invention, as removal of the bolts would present a significant hazard to one working beneath an upper portion.

German Patent Number 29 18 532 (Jendrewski et al) discloses a lamp which may be embedded into the ground via a stake, and then rotated to a desired angle. The two elongate portions as defined by the examiner are maintained at a relative angle by friction, and can be twisted by a user as required. There is no suggestion of an interconnecting means which can lock the elongate portions at a relative angle to one another. In particular, there is no disclosure of a third member which can engage the first and second members to prevent such rotation. In fact, the incorporation of such a feature into the Jendrewski lamp would greatly diminish the usefulness of the lamp, as it would make angling of the light a difficult operation. A lamp pole in accordance with the present invention, with an altered configuration, could be used in place of the Jendrewski lamp, but would clearly be much more cumbersome and awkward to use. Importantly, an elongate member manufactured according to the Jendrewski patent could not be used in place of the present invention, as the absence of a means to prevent rotation would create a significant hazard.

It is important to note that both the Hart and Jendrewski documents do not relate to the positioning of articles remote from a base position, and as such are in quite a separate field to the present invention. It is hardly surprising, therefore, that the apparatus described in these documents functions quite differently to that of the present invention, and that the documents fail to disclose or suggest the significant features of the present invention.

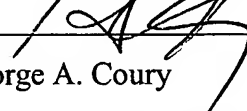
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has

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any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is believed that no additional fee is due in connection with this response. If, however, any fee is due, please charge same to deposit account number 02-0184.

Respectfully submitted,
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Date: August 13, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 13, 2003.


George A. Coury